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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,638	08/21/2007	Scott Birnbaum	A8563	3356
23373 7590 01/26/2010 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER DINH, KHANH Q				
ART UNIT 2451		PAPER NUMBER		
NOTIFICATION DATE 01/26/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/564,638

Applicant(s)

BIRNBAUM ET AL.

Examiner

Khanh Q. Dinh

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/22C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 1/13/06

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Claim Objections

2. Claim 1 is objected to because of the following informalities: there should be a “:” after “the method comprising” on line 10, page 20
Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims are rejected under 35 U.S.C. 102(e) as being anticipated by Wellons et al., US pat. No.7,440,567.

As to claim 1, Wellons discloses a method of gathering information in a social network requested by a first entity, wherein the social network includes the first entity, a second entity and a third entity, the first and second entities having a social relationship, and the second and third entities having a social relationship, wherein each of the first, second and third entities have first, second and third identity accounts, respectively, embodied on one or more computers connected in a

computer network, wherein the first and second entities have an electronic contract specifying data the first and second entities have agreed to share, and the second and third entities have an electronic contract specifying data the second and third entities have agreed to share, the method comprising:

receiving a request for the information requested by the first entity and searching for the information in response to the request (sharing information between participants and healthcare provider, see fig.1, col.7 lines 3-56); and if the information is located in the second identity account, sending the information in response to the request for information if the information corresponds to the data specified in the electronic contract between the first and second entities, and if the information is located in the third identity account, sending the information in response to the request for the information if the information corresponds to the data specified in the electronic contract between the second and third entities (providing and sharing electronic communications between a non-participant and participants and provider, see fig.2, col.7 line 57 to col.8 line 51).

As to claim 2, Wellons discloses the second entity identifies the third entity based on a social relationship between the second and third entities (see col.7 line 57 to col.8 line 51).

As to claim 3, Wellons discloses if the information located in response to the request for the information is sent to the second entity, sending the information in response to the request for information to the first identity if the information corresponds to the data specified in the electronic contract between the first and second entities (see col.9 line 16 to col.10 line 42).

As to claim 4, Wellons discloses an apparatus for participating in a computerized social network of users, comprising:

an identity account associated with a first one of the users in the social network, the identity account having information about the first user and an electronic contract specifying information in the identity account for sharing with a second one of the users in the social network (sharing information between participants and healthcare provider, see fig.1, col.7 lines 3-56); and means for qualifying the information specified in the identity account to be shared with the second user based on a type of relationship between the first and second users (providing and sharing electronic communications between a non-participant and participants and provider, see fig.2, col.7 line 57 to col.8 line 51).

As to claim 5, Wellons discloses the type of relationship between the first and second user is a personal relationship and the means for qualifying the information specified in the identity account qualifies the information to output to the second user information that is suitable for sharing in a personal relationship (see col.13 line 12 to col.14 line 48).

As to claim 6, Wellons discloses the type of relationship between the first and second user is a business relationship and the means for qualifying the information specified in the identity account qualifies the information to output to the second user information that is suitable for sharing in a business relationship (see col.13 line 12 to col.14 line 48).

As to claim 7, Wellons discloses a type of the relationship is reflected in the electronic contract (see fig.7, col.15 lines 16-45).

As to claim 8, Wellons discloses the type of the relationship comprises at least one of person-to-person, person-to-business, person-to-organization, commercial, and business (see fig.7, col.15 lines 16-45).

As to claim 9, Wellons discloses a method of obtaining information about an entity among a plurality of entities in a social network, wherein the social network includes a plurality of identity accounts associated with the plurality of entities, respectively, wherein between the plurality of identity accounts are electronic contracts, the method comprising: requesting information related to the entity and receiving the requested information related to the entity based at least on a social relationship established between the entity and a second entity having an identity account (sharing information between participants and healthcare provider, see fig.1, col.7 lines 3-56).

As to claim 10, Wellons discloses the entity is one of a person, a business, a group, and an organization (see fig.7, col.15 lines 16-45).

As to claim 11, Wellons discloses the relationship is based on an electronic contract between the entity and the second entity (see fig.7, col.15 lines 16-45).

As to claim 12, Wellons discloses a type of the relationship is reflected in an electronic contract.

As to claim 13, Wellons discloses the type of the relationship comprises at least one of person-to-person, person-to-business, person-to-organization, commercial, and business (see fig.7, col.15 lines 16-45).

As to claim 14, Wellons discloses method of obtaining information in a social network, the social network having a plurality of identity accounts wherein each identity account of the first plurality of identity accounts is associated with an entity and wherein an exchange of information between the plurality of identity accounts is governed by electronic contracts, the method comprising:

a first identity account receiving a query from a second identity account, the exchange of information between the first identity account and second identity account being governed by an electronic contract, the query containing a request for certain information about the contents of the first identity account and searching the first identity account for the certain information to determine if the first identity account contains the certain information (sharing information between participants and healthcare provider, see fig.1, col.7 lines 3-56); if the first identity account contains the certain information, determining if the first identity account is permitted to exchange the certain information with the second identity account based on the electronic contract between the first identity account and the second identity account; and sending the certain information to the second identity account if it is determined that the electronic contract so permits (providing and sharing electronic communications between a non-participant and

participants and provider, see fig.2, col.7 line 57 to col.8 line 51 and col.14 lines 12-65).

As to claim 15, Wellons discloses if in response to searching the first identity account for the certain information it is determined that the certain information is not contained in the first identity account, the first identity account queries a first plurality of identity accounts with which the first identity account has an electronic contract to exchange information; if any of the identity accounts of the first plurality of identity accounts contains the certain information, determining if said any of the identity accounts of the first plurality of identity accounts is permitted to exchange the certain information with the first identity account based on the electronic contract between the first identity account and said any of the identity accounts of the first plurality of identity accounts (see col.13 line 12 to col.14 line 11); and sending the certain information to the first identity account if it is determined that the electronic contract between the first identity account and said any identity accounts of the first plurality of identity accounts permits exchanging the certain information (see col.14 lines 12-65).

As to claim 16, Wellons discloses after searching the first identity account for the certain information, the first identity account queries a first plurality of identity accounts with which the first identity account has an electronic contract to exchange information; if any of the identity accounts of the first plurality of identity accounts contains the certain information, determining if said any of the identity accounts of the first plurality of identity accounts is permitted to exchange the certain information with the first identity account based on the electronic contract between the first identity account and said any of the identity accounts of the first plurality of

identity accounts; and sending the certain information to the first identity account if it is determined that the electronic contract between the first identity account and said any identity accounts of the first plurality of identity accounts permits exchanging the certain information (see figs.12, 13, col.17 line 54 to col.18 line 54).

As to claim 17, Wellons discloses if the first identity account receives the information from said any of the identity accounts of the first plurality of identity accounts, the information is sent to the second identity account if it is determined if the electronic contract between the first identity account and the second identity account permits exchanging the certain information (see figs.12, 13, col.17 line 54 to col.18 line 54).

As to claim 18, Wellons discloses if the first identity account receives the information from said any of the identity accounts of the first plurality of identity accounts, the information is sent to the second identity account if it is determined if the electronic contract between the first identity account and the second identity account permits exchanging the certain information (see col.14 lines 11-65 and col.15 lines 16-45).

Other prior art cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Aas , US pat. No.5,940,740
- b. Katz, US pat. No.5,917,983.

Conclusion

6. Claims 1-18 are rejected.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FOLLANSBEE JOHN, can be reached on (571) 272-3964. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450

/Khanh Dinh/
Primary Examiner, Art Unit 2451

